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Natacha Gagné, Mélanie Roustan

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## French Ambivalence Towards the Concept of 'Indigenous People': Museums and the Māori

**Natacha Gagné**

Département d'anthropologie,  
Université Laval, Québec, Canada

**Mélanie Roustan**

Département Homme et environnement,  
Muséum national d'histoire naturelle, Paris, France

### Abstract

Museums around the globe have experienced important changes in recent years in response to decolonisation processes and the demands of indigenous peoples. French museums are no exception, but the transformations have certain French hallmarks. This article explores the way France is dealing with its colonial legacy and, by means of two case studies, unravels the diverse political and historical particularities of the French context. The first looks at the results of a comparative analysis of the French and Québécois public's response to the travelling exhibition *E tū ake: Standing Strong* produced by the Museum of New Zealand Te Papa Tongarewa. The second focuses on the repatriation ceremony of Māori *toi moko* (tattooed preserved heads) that took place in Paris in January 2012. These two case studies examine the French uses of concepts such as 'community', 'minority', and 'indigeneity' as well as the complex relations between religion and rationality, ancestral presence and materialism in French public life. The article investigates how these concepts participate in the fabric of French society, and thus in shaping contemporary museum landscapes.

**Keywords** France; Museum; Indigenous peoples; Māori; New Zealand; Québec (Canada)

In recent decades, museums throughout the world have experienced important changes in conserving, protecting, displaying and accessing collections in response to the decolonisation process and the demands of indigenous peoples. French museums are no exception, but the transformations have certain French hallmarks. This article is an attempt to look at the specificities of the ways museums deal with colonial legacy in France and, by means of two case studies, to unravel the diverse political and historical particularities of the French context. The first presents a comparative analysis of the French and Québécois public's response to the travelling exhibition *E tū ake: Standing Strong*, produced by the Museum of New Zealand Te Papa Tongarewa (henceforth Te Papa), which is an 'account of the Māori world, both traditional and modern'.<sup>1</sup> It examines concepts such as 'community', 'minority', and 'indigeneity' and how they participate – or not – in the fabric of French society, and thus in shaping contemporary museum

landscapes. The second case study focuses on the repatriation ceremony of Māori *toi moko* (tattooed preserved heads) that took place in Paris in January 2012. It explores the complex relations between religion and reason, ancestral presence and materialism in French public life, which is governed by the principle of *laïcité* (secularity). The general idea is to identify trends in policy areas and their effect on the orientations and practices of museums.

We conducted primary research on the public's response to the exhibition *E tū ake: Standing Strong*, first at the Musée du Quai Branly in Paris, France (4 October 2011-22 January 2012), and then at the Musée de la Civilisation, in Québec, Canada (21 November 2012-8 September 2013), following the exhibition from one venue to the other.<sup>2</sup> We interviewed museum professionals who were involved in the planning of the exhibition in each venue (6 staff members in Paris and 8 in Québec) as well as visitors (33 in Paris and 54 in Québec, with a focus group of university students in the latter location). The visitors – both male and female, aged 15-75, from various sociocultural backgrounds – were approached as they left the exhibition. The study also included *in situ* observations and a photo shoot. Our research at the Musée du Quai Branly also provided the opportunity to attend the repatriation ceremony of the *toi moko*, which were part of the French national collection<sup>3</sup> on 23 January 2012. Furthermore, this article benefited from meetings with the museum staff during a one-week visit to Te Papa in December 2015 to share and discuss the outcomes of our investigations with them. It also drew inspiration from our own collaboration as Québécois and French researchers respectively, not only being attentive to our own spontaneous reactions, travelling to France, Québec and New Zealand, but also comparing and discussing the ways we analysed the data. This reflective and critical appraisal of our fieldwork and research dissemination activities inspired the thinking that emerged from the inquiry itself.

This article stands at the crossroads between museum and political anthropology. As de L'Estoile wrote, '[t]he museum is an appropriate place for analysing how "we define reality", that is how we see the world we live in' (2007, 18; our translation). To this we can add that the museum is an ideal place for thinking about how the processes of 'heritagisation' – how objects are delimited, accumulated, reinterpreted and circulated – organise and structure cultural (de)legitimation and one's approach towards Otherness.

This encouraged us to embrace a political anthropology of museums, with a particular focus not only on institutional dynamics but also on the reinterpretations of objects and subjective experience (Debary and Roustan 2012, 2017; Monjaret and Roustan 2012, 2017).

## **Museums and the Politics of Otherness**

Our 2015 visit to Te Papa, located in Wellington, the capital of New Zealand, was an opportunity to share the results of our study and to discuss the French and Québécois (and Canadian) perspectives concerning the handover of the *toi moko*, and in turn, the specificities of both contexts regarding museum heritage, indigenous issues and colonial legacy. One thing that really stood out was the surprise and curiosity expressed by Te Papa staff, both Māori and non-Māori, concerning our presentation of the French component of our analyses. This, despite the fact that some of them have had contacts with French interns, professionals and institutions in recent years and have visited France in the course of their work. Among other things, they expressed surprise regarding the French principle of *laïcité* and the way it is intended to protect religious freedom through two interwoven principles, namely separation of church and state and neutrality on the part of the state and public authorities. They also expressed doubt – even misunderstanding – regarding the French view of people as free and equal individuals, above and beyond ethnic or racial affiliations.

When it came to indigenous issues, cultural heritage and colonial legacy, the museum staff seemed to feel much more familiar with the Québécois perspective, even though we gave it somewhat less attention since New Zealanders and Québécois seem, to a great extent, to speak ‘the same language’. Part of the explanation for this probably lies in their common inheritance as citizens of former British colonies and of Commonwealth countries. Their reaction recalled similar mutual surprise expressed at an international conference held in Paris in June 2006, that brought together Québécois and French scholars interested in indigenous issues. As we mentioned in the published proceedings, ‘it was clear that our common language, French, did not provide us with a shared understanding of the category “*autochtone* (indigenous)” and related issues’ (Gagné and Salaün 2009, XIII; our translation). In Québec (and Canada), the United Nations approach to indigeneity and

indigenous peoples was generalised and used by academics, while the notion '*autochtonie*' (indigeneity) caused great concern, generally speaking, among French scholars.<sup>4</sup>

Research that we carried out in the following years on how indigeneity and indigenous rights are understood and enacted in New Caledonia and French Polynesia, two French territories in Oceania, revealed that it is not only French mainlanders who are suspicious of or uncomfortable with the notion, but that the (formerly) colonised peoples of these territories who were expected to identify with the category shared the same discomfort (Gagné 2015). Through the study of specific examples, it became clear that part of the explanation for this uneasiness lies in the fact that the 'framework' or contexts for the struggles of the indigenous peoples of the French territories in Oceania differs radically from those of other groups who have been seen as embodying the category 'indigenous peoples', such as the Amerindians and the Inuit of North America, the Māori of New Zealand, and the Aborigines of Australia. This framework was shaped by the distinctive nature of French colonial and national political history. Similar observations arise from an analysis of how the concept of *autochtone* is used by French cultural institutions, especially former ethnographic museums, which tend to avoid or even reject it (Roustan 2017). If indigenous peoples are indeed represented in French museums, they are not talked about as being part of a unified category. They are rather identified by their ethnonyms or by their respective cultural areas or regions of origin, and generally considered as either representing the world's cultural diversity (past or present) or as the collective authors of 'primitive arts'. They then fall within the general figure of Otherness in French museums, which is rooted in a long genealogy of exhibiting exoticism that dates back to the colonial exhibitions and which is associated with the idea of the 'Savage' in imperial imagination (de L'Estoile 2007).

The fact that the 'indigenous' category was widely used in French colonial administration and propaganda until the end of the Second World War partly explains why the term has fallen out of favour more recently. Actually, the category refers back to the inferior legal status and restricted rights of the *indigènes*, the 'native subjects' in French colonies, in comparison to the full rights of the 'citizens' of the French Colonial Empire, from 1887 to 1946. During that period, the administrative apparatus known as the '*indigénat*' provided

French colonial administrators 'with a set of exceptional measures to streamline the governing and summary repression of persons defined as *indigènes* ("natives")' (Muckle 2012, 309).<sup>5</sup> As Muckle emphasises, 'the centrality of the indigénat regime to the French colonial state is well recognised' (2012, 312). After 1946, the term *autochtone*<sup>6</sup> was often used as euphemism to designate the population previously defined as *indigènes*, despite the fact that the Fourth Republic (Constitution of 27 October 1946) eliminated the status of 'subjects' and extended the rights of the citizens to all inhabitants of the former colonies, which were renamed overseas departments and territories. The negative connotation of the categories *indigènes* and – albeit to a lesser extent, *autochtones* – still prevails because of their political, symbolic and historic importance in French colonial history.<sup>7</sup>

Since their early days, ethnographic museums have embodied Western hegemony, but in recent decades they have been vigorously challenged in the wake of the decolonisation movement both from outside and within, causing an 'authority crisis' (Stocking 1985; Marcus and Fischer 1986; Clifford 1988, 1997; Karp and Lavine 1991; Karp, Mullen-Kreamer, and Lavine 1992). This has led to significant changes in the politics of collating, collecting and exhibiting artefacts and data, giving more space for a dialogue both with the audience and with the so-called 'source communities'. Cultural institutions have thus been compelled to develop new forms of heritage circulation and knowledge sharing, in particular, in response to indigenous claims on former colonial collections (Battiste and Henderson 2000; Bell and Val 2008; Harrison, Byrne and Clarke 2013; Clifford 2013).

In France, in reaction to this 'authority crisis', the recategorising and reorganising of museum artefacts that embody 'Otherness' has taken place on a national scale (Mauzé, Poulard and Ventura 2013). The creation of the Musée du Quai Branly in 2006 was part of a vast restructuring of French ethnographic museums that involved both the former Colonial Museum and the Musée de l'Homme (the Museum of Mankind).<sup>8</sup> The Musée du Quai Branly is devoted to non-Western arts and civilisations and recognises the universal value of 'First Peoples' arts'.<sup>9</sup> There, the 'transformation' of ethnographic collections into art collections – which was labelled the 'aesthetic turn' since, as Clifford mentions, '[i]f ethnography is present but marginalized in the permanent exhibition space, history has almost entirely vanished' (2007, 15) – led to controversy. The Musée du Quai Branly has been criticised for its timeless perspective, its focus on exoticism not to say primitivism,

and its perceived abandonment of the scientific mission (Dupaigne 2006; Ruiz-Gomez 2006; Le Débat 2007; Price 2007; Desvallées 2007; Lebovics 2007; Dias 2008; Shelton 2009). One could also say that it has partially succeeded in reorganising the way visitors are meant to engage with distant objects, revising their conceptions of differences and relationships between 'the West and the Rest', and offering a true 'symmetrisation' of their artefacts and cultures (Taylor 2008, 681). Visitors' reactions are more ambivalent, the museum being perceived as 'a place where we simultaneously encounter the other and its disappearance', and acting as a metaphor for the whole colonial enterprise (Debary and Roustan 2017, 15).

These reconfigurations and reinterpretations in French museums have resulted in a dialectical relationship between the French nation and a 'cannibalised' Otherness (Gonseth, Hainard and Kaehr 2002), in the sense that the 'Others' disappear in museum discourses, which tend to 'digest' them. The Others – their particular cultures and histories – are either assimilated into a unified national narrative and re-classified as constituent parts of France (e.g. the Museum of Immigration), reduced to being mere examples in a universal approach to the arts (e.g. the Musée du quai Branly), or integrated into a scientific evolutionary theory that embraces the biological and cultural diversity of humanity (e.g. the Museum of Mankind). The paths taken by French national museums in their decolonisation processes seldom include indigenous rhetoric, voices and perspectives (Roustan 2017). This path, however, has become commonplace when looking at cultural heritage in North America (Dubuc and Turgeon 2004; Phillips 2011; Jérôme 2014), Australia and New Zealand (McCarthy 2011; Hakiwai and Diamond 2013), as well as on the world stage more generally (Peers and Brown 2003; Mauzé and Rostkowski 2007).

In this French museum landscape, the Musée du quai Branly occupies a central and unique position. It strongly embodies the forms and constraints of a French State cultural institution: collections as national properties, curators as State employees subject to a duty of confidentiality, and an obligation to respect the Charter of *Laïcité*<sup>10</sup> common to all public institutions. At the same time, it charts a distinctive path in interpreting the French universalistic watchword on its own terms, and by giving more space than other museums to cultural peculiarities. This is an ambivalent position towards the State that has been described as a 'pluralistic universalism', while other French museums are positioned more

closely to the State perspective of an ‘assimilationist universalism’ that gives no space to multiculturalism or particular communities (de L’Estoile 2007, 24).

The distinctiveness of France, in particular with regard to the countries of the former British Empire, may thus account for the observations mentioned above, but also for the quite striking – and very surprising, even for us at first – reactions of the visitors to the exhibition *E tū ake: Standing Strong* in their respective venues. Indeed, the contrast between Québécois and French visitors was so remarkable that when we first outlined our research findings in a paper submitted to the journal *Anthropologie et sociétés* (Gagné and Roustan 2014), one anonymous reviewer expressed his or her reservation toward our main conclusions in the following terms: ‘The almost “culturalist” contrast between France and Québec is not far from being a caricature’ (our translation). While we stand by our research conclusions, the present article takes this criticism seriously. Why is there such a clear discrepancy between France and Québec? Why is there such discomfort on the French side with regard to indigenous politics as it unfolds in New Zealand and Québec (and Canada more generally)?

## **Case studies**

### *A Māori Travelling Exhibition and What it Reveals About France*

The first case study is a comparative analysis of the French and Québécois public’s response to the travelling exhibition *E tū ake: Standing Strong*. This was first shown at Te Papa from 9 April to 26 June 2011 before it travelled to Paris and Québec City. Te Papa is distinctive for its bicultural policy acknowledging Māori cultural heritage and the unique position of Māori as the indigenous people of New Zealand (McCarthy 2007, 2011). It also secures Māori participation in the governance, management, and operation of the museum in agreement with the 1840 Treaty of Waitangi (McCarthy 2011, 114). This treaty – the only New Zealand treaty signed between Māori chiefs and the British Crown, but violated by the colonial authorities not long after its signing – was officially recognised through the Treaty of Waitangi Act 1975 ‘as the pre-eminent conduit for colonial redress’ (Hokowhitu 2013, 360). Since then, it has been widely interpreted as one of the founding documents of New Zealand, confirming the existence of two peoples and establishing their partnership



(Walker 2004; Gagné 2013a, 21-47; Anderson, Binney and Harris 2015).<sup>11</sup> Mirroring the development of New Zealand as a bicultural nation 'in which Maori belong as cultured individuals' (Sissons 2004, 20), museums in that country have been developing, from the 1980s onwards, an explicit and pragmatic bicultural policy (see McCarthy 2011 for a detailed historical account). At Te Papa, the bicultural policy involves valuing and reflecting the cultural heritage, systems of knowledge and understanding, as well as the diversity of both partners (see McCarthy 2011, 113).

The preface to the exhibition catalogue states that 'its main theme is the quest for Māori self-determination' (Smith 2011, 10). The objects displayed in the exhibition (250 in Paris and 155 in Québec) are considered by Māori to be *taonga* (cultural treasures) and living guardians of their heritage. Their presentation was organised around four fundamental Māori principles which pave the road towards *tinio rangatiratanga* (the ability to choose one's own destiny),<sup>12</sup> that is sovereignty, authority or chieftainship, *whakapapa* (genealogy, and by extension identity), *mana* (spiritual power, status, prestige, source of authority), and *kaitiakitanga* (protection, responsibility, preservation, care). So the aim of the exhibition was twofold: to reflect the artistic and cultural depth of Māori society as well as their material culture and political aspirations. The touring exhibition left little room for initiatives on the part of the hosting museums. The objects and how they should be cared for, as well as the structure and content of the exhibition were governed by the strict terms of the contract. It was an 'all-in-one package', as mentioned by a staff member of the Musée du quai Branly in April 2012.

At the Musée du Quai Branly, an explanatory panel at the entrance to the exhibition stated that it came from Te Papa and emphasised the participation of Māori in its development and design. The museum presented itself on this entrance panel as a hosting place for the expression of non-Western arts and civilisations, and as a major actor in the heritage field. The translation of the Māori-English title 'E Tū Ake: Standing Strong' into the French 'Māori, leurs trésors ont une âme' (The Māori: their treasures have a soul) illustrated the institution's position. More than a real recognition of an alternative to the French 'ontology'<sup>13</sup> based on materialism – which would admit the possibility of artefacts being the embodiment of ancestors – the mention of the intrinsic force of objects ('soul') can be read as a reference to the exoticising rhetoric of primitive art (Price 1989; Derlon and Jeudy-

Ballini 2008; Heinich 2008).

While the exhibition at the Musée du Quai Branly in Paris metaphorically positioned itself in the role of a 'spokesperson' for Māori expression, the one at the Musée de la Civilisation in Québec acted rather as its 'advocate'. There was no entrance panel presenting Te Papa; it was simply acknowledged as the exhibition's creator in the small print. In contrast, the political dimension of the exhibition was emphasised right from the start, with a video and a text about sovereignty. The institutional tradition of the Musée de la Civilisation gave the exhibition a different tone: since its opening in 1988, one of its missions has been to attest to the vitality and continued presence of the First Nations and Inuit people in Québec (Jérôme and Kaine 2014, 233). The Québécois context is receptive to the political recognition of indigenous rights as recognised by the United Nations Declaration on the Rights of Indigenous Peoples. In a manner that is in many ways similar to the Te Papa, the Musée de la Civilisation, in turn, makes an active contribution to supporting the engagement and expression of indigenous communities.<sup>14</sup> The particular colonial history of Québec and the sovereignty movement that has animated Québec society since the 1960s could also explain the sensitivity that the Québec museum showed towards the political dimension of the exhibition. This sensitivity also emerges from the interviews with Québécois visitors and staff.

As the exhibition was located on the ancestral lands of the Wendat First Nation, Wendat representatives hosted the opening ceremony. Unlike the Musée du Quai Branly, but in a similar way to how things are done in New Zealand, the Musée de la Civilisation thus gave weight to Māori views by locating them in a more familiar context and by bringing together representatives of both the Māori and the local First Nation. The connection created was one of analogy, or even homology, between the indigenous people of Québec, Canada and elsewhere, and between the Musée de la Civilisation and Te Papa. True to its policy regarding indigenous ethnonyms,<sup>15</sup> the Musée de la Civilisation kept the vernacular spelling and retained a bilingual (Māori-French) title – 'E Tū Ake: Māori debout' – in which the French version is a literal translation of the Māori. By contrast with the Paris exhibition, the Québec version more clearly emphasised the struggle for political and legal recognition (the right to self-determination and access to territorial resources). It was a strong structuring theme of the exhibition rather than merely or primarily artistic recognition –

even if the promotion of traditional and contemporary arts remained at the heart of the project.

It is difficult to say to what degree these institutional positions influenced the public's reaction to the exhibition, but clearly a similar phenomenon can be detected in the interviews with visitors (Gagné and Roustan 2014). In Quebec, the notion of 'indigenous peoples' is well known and people are familiar, to a certain extent, with indigenous struggles. The visitors therefore identified and empathised with the exhibition. One woman explained: 'I could not help but draw a parallel with the predicament of indigenous peoples here'. Another said: 'I see a link with a people's independence and autonomy... but it wasn't with an indigenous group, rather with Québec and its relationship with Canada, because they talked about sovereignty'. Both visitors and staff mentioned analogies either with First Nations history and the present situation or with Québec's destiny – in a role that places them sometimes in the shoes of the colonisers and sometimes in those of the colonised.

On the opposite side, French visitors are most generally unfamiliar with the concept of 'indigenous peoples' as it is in use today in the English-speaking world of the former British Empire. The French did not spontaneously use the word *autochtones* to talk about the Māori; rather, they referred to them as a 'people', a 'culture', and sometimes as a 'minority'. They emphasised the subordinate position of the Māori in relation to the colonisers and the phenomenon of cultural globalisation. Conversely, they did not focus on their indigenous characterisation (which could have been defined, for example, in reference to their ancestral ties to a territory, implying the possibility of particular collective rights). For the few who use the word, *autochtones* has either a literal meaning referring to the inhabitants of a land, 'in-born' people, or expresses some disdain towards old – and, for some, backward – ways. Certain statements underlined and rejected the persistent racist connotations associated with the concept: 'to me, it [the French word *autochtone*] evokes non-European people, uncivilised people and even savages – I find it derogatory, that's why I don't like this word'. The logical articulation between indigenous people and indigenous rights is almost entirely absent from our interviews with French visitors, despite our open questions about the indigenous character of the exhibition and its political nature. French visitors did not seem familiar with the recent developments concerning the world

indigenous movement and the United Nations indigenous rights documents, which include the 2007 Declaration on the Rights of Indigenous Peoples. None of them mentioned it. For the few who made a connection between Māori cultural affirmation and the struggle for their rights, the frame of interpretation remained in line with the universalist thinking of the French Enlightenment: 'the exhibition narrates the history of a specific community, but everyone can identify with its message: the right to own land or to show respect to ancestors, the right to have one's own identity... this is a universal message'; 'just because one minority or ethnic group is weaker or smaller than another the latter does not have the right to destroy or conceal it'.

Discussing the exhibition, French visitors focused instead on the importance of promoting 'cultural diversity' amidst the challenges of 'globalisation', and of protecting 'traditions' in the face of 'modernity'. They also highlighted the importance of cultural rights in general, implying that an indigenous way of life is one legitimate way among many. Some even sought to distance themselves from the concept of indigenous rights and its uses, which they directly linked to another set of ideas centred on 'community'. For instance, when we asked one of the French visitors who the exhibition had been created by, he answered: 'by people from a communitarian society', and he added 'a Westerner, a European, would not have done things this way (...) this is another way of thinking, with the stone you are invited to touch and all that...'. Although this visitor appreciated what he called a window onto an immaterial dimension or even a spiritual world that was alien to him, his use of the word 'communitarian' (*communautaire*) also reveals a certain unease regarding an overly culture-specific perspective in a museum openly displaying a universalist orientation. More generally, the words '*communautaire*' and '*communautarisme*' are used to denounce ethnic or religious isolationism or sectarianism (see Gagné 2015). In the public debate in France, 'communities' are often associated with social and political tensions. There is a reluctance to value or even recognise any sub-national collective identity. According to the official understanding, being a citizen of the French Republic means being a member of the national community, which has no ethnic foundation and nothing to do with ancestry, a 'blood right' (*jus sanguinis*) or belonging to a particular group on the basis of race, ethnicity or religion (see, e.g. Schnapper 1998; Weil 2008). While the term 'community' is fully accepted by – and even central to – English-speaking societies, inspired by universalist thinking, the French Republic is envisioned as 'one and indivisible', meaning that it makes

up a single national community of equal citizens, not a federation of culturally distinct 'communities'.

The idea of the indivisibility of the French Republic – one people, one language, one source of law, and one system of human rights and freedom (Lemaire 2012, 104) – are part of a long tradition dating back to the French Revolution. Of course, at different points in French history, 'people actively debated the relationship of equality and diversity' (Cooper 2014, 5), that is, issues of difference and identity (see Lemaire 2012). This was true, for example, following World War II when a new French constitution was being drafted, in a world in which 'the "normal" status of colonial empires was beginning to be questioned in international opinion' (Cooper 2014, 20-21). The challenge of the French State was to deal with its metropolitan and overseas entities, and with an ethnically diversified population, which included both the colonisers and the formerly colonised.<sup>16</sup> The 1946 Constitution that resulted from this process, while acknowledging diversity, reaffirmed in Article 1 that France is an indivisible Republic. The same article is part of the current Constitution, adopted in 1958.<sup>17</sup>

The French Constitutional Council reasserted this principle clearly in two decisions in the 1990s.<sup>18</sup> In a decision of 9 May 1991, it censured a clause in the law establishing the territorial community of Corsica referring to 'the Corsican people as a component of the French people'. The reason for the decision was that the French Constitution recognises only the French people, composed of all French citizens regardless of origin, race or religion. According to Verpeaux (2014, 11), this unicity principle was accordingly seen as equivalent to the equality principle. In a second decision of 15 June 1999, the Constitutional Council reaffirmed its position concerning the unicity of the French people. The European Charter on Regional and Minority languages signed by France in 1998 was declared unconstitutional; its ratification can only occur once the Constitution has been revised, which has been prevented since 1999.<sup>19</sup> According to Verpeaux (2014, 12), this case illustrates that the unity of language of the Republic is closely associated with national unicity, since it is understood as reflecting the unicity of the people, which is a consequence of indivisible national sovereignty. Even the 2003 Constitutional revision<sup>20</sup> reflects the spirit of this principle since the power to issue rules and regulations now recognised to local governments (art. 72-3) is considered to be

residual and secondary. Local norms must meet the standards, and, as a result, the preconditions of the national norms (art. 72-6).<sup>21</sup> It should be noted that article 72-3 of the 2003 Constitutional revision also proclaims that '[t]he Republic shall recognise the overseas populations, within the French people, in a common ideal of liberty, equality and fraternity'.<sup>22</sup> Article 72-3 then reaffirms the unicity of the French people while acknowledging a certain historical, geographical and cultural diversity. According to Verpeaux (2014, 15), however, article 72-3 does not result in particular rights that might be conferred to those overseas populations.

The principle of the indivisibility of the French Republic was evident in the French UN representative's ambivalent position during debates prior to the vote on the Declaration on the Rights of Indigenous Peoples by the Human Rights Council in 2006. France supported the declaration while adding that, at the national level, it 'would have legal difficulties' in terms of enforcement. The French UN representative argued that, 'since French law is based on the indivisibility of the Republic, the equality principle and its corollary, the principle of non-discrimination, collective rights cannot prevail over individual rights' (UNOHCHR 2006). This position is coherent with the prevailing interpretation of Article 1 of the French Constitution, which 'ensures the equality of all citizens before the law, without distinction as to origin, race, or religion'. In any case, '*communautés*', in the plural, is not a familiar concept to describe the fabric and complexity of French society (Noiriel 1988; Schnapper 2007). This came out very clearly from the interviews with French visitors.

### *Museum Repatriation of Indigenous Remains and Artefacts in Context*

The second case study is a more formal one, involving institutional discourses on a state-to-state level. It stands as an official counterpart to the visitors' interviews, which can be considered as spontaneous reactions to a cultural experience. It brings to the fore new elements of the French political and legal tradition that throw light on the largely shared ideas regarding the relationship between individuals and society, and between particular group aspirations and the nation as a community of citizens driven by universalist ideals.

Museums were originally designed to remove material things from their context – that is, from their original networks of actions and meanings, within which they are related to other

things and beings – in order to preserve them, study them, and transmit knowledge about them as heritage items. Museums displace these objects into other social spheres wherein they are given a new life concerning how they are used and represented. The life of museum artefacts does not stop when they enter these institutions. Although they represent stability, it is only an appearance. Museums constantly reincorporate these heritage items into new contexts, a process which over time redraws not only the links between people and objects but also the political relations between peoples' memory of their heritage and of their nation's history. An extreme case of reinterpretation is the *toi moko*, which have changed status and location over time, from being subjects to being objects and then back to being subjects again, travelling from New Zealand to France and Canada and back to New Zealand over a 200-year period.

These transfers and transformations have something to do not only with their 'social lives' as things, in reference to Appadurai's seminal work (1986), but also with the evolving political context that testifies to the growing empowerment of indigenous peoples, in particular regarding their heritage rights, from cultural goods and human remains to knowledge of biodiversity. The 1990 United States Native Americans Grave and Repatriation Act (NAGPRA), was a landmark case in this dynamic, recognising as it did the rights of indigenous peoples within US territory to lay claim to existing museum collections. The more recent Nagoya Protocol on genetic resources,<sup>23</sup> adopted in 2010, echoes this: by covering 'traditional knowledge', it establishes the rights of 'indigenous and local communities' in terms of intellectual property, thus impacting museum collecting practices and management.

For a few decades now, indigenous peoples around the globe have succeeded in making their voices heard on the international stage and have asked for significant changes in the way museums handle indigenous heritage items. They have moved in on the terrain of the museum, using political and legal instruments to win recognition of their rights over traditional objects, knowledge of which their forebears had been dispossessed, human remains and sites of cultural significance (Battiste and Henderson 2000; Peers and Brown 2003; Bell and Napoleon 2008; Tythacott and Arvanitis 2014). It is nonetheless remarkable that the practical expression of these rights varies depending on the intricacies of local, national and international contexts.

While French museums are timidly moving in the direction of indigenous conceptions of heritage, nowadays certain 'decolonised' museums are endeavouring to welcome a plurality of uses for their collections, abandoning older, dominant Western naturalist and materialist positions. The fact that Te Papa acknowledges the concept of *mana taonga*, which means 'the power and authority arising from and pertaining to taonga' (McCarthy 2011, 114), implies that *taonga* should be cared for in accordance with Māori traditions and protocols, including from a ritual point of view. Bicultural developments at Te Papa include the involvement of Māori *iwi* (tribes) in the interpretation, exhibition, and care of all *taonga* as well as shared internal decision making by bicultural governance and management teams.

We had many opportunities to observe the practical outworking of the bicultural policy of Te Papa and, consequently the recognition of these Māori principles during our visit to Wellington to discuss and share the results of our research with the Māori museum staff. We were greeted on our first day with a formal *mihī* (welcome ceremony) during which *kaumatua* (elders) made short *kōrero* (speeches) asking, among other things, for the guidance of the ancestors during our stay. During the *mihī*, museum staff sang traditional songs. Also, when entering the reserve, our Māori guides acknowledged the living presence of the ancestors. On exiting the exhibition, *whakanoa* (cleansing) bowls were available for visitors who wished to sprinkle water on their bodies. As the label by one of these bowls noted: 'This is the Māori custom after being in the presence of the deceased'.<sup>24</sup> Sinks were also reserved for *whakanoa* purposes at storage room exits. The presence of rituals even in the ordinariness of the museum's daily life and the attention paid to religious and spiritual needs were striking. In fact, a living *marae* (Māori meeting place and ceremonial centre) has been built within the museum. As McCarthy explains, 'The marae is seen as a Māori context where the Māori language and protocol come first and the Māori voice can take precedence in dealings with *iwi* over *taonga*, as well as events that are seen as *māori kaupapa* [Māori driven project], or issues of importance to Māori' (2011, 143). The museum is also home to a *wāhi tapu* (sacred repository) where ancestral remains repatriated from overseas are placed while waiting to be returned to their original people and land once they have been identified.



All these examples of the outworkings of New Zealand's official biculturalism mark a clear difference with French public museums. The latter place themselves in a direct continuation of the State's universalist position and are bound by law to two principles. On the one hand, the principle of *laïcité* requires them, like all the other French public institutions, to be neutral with regard to religion. On the other hand, the principle of 'inalienability' dictates the preservation of the integrity and entirety of their collections: their destruction, sale, or restitution are prohibited.<sup>25</sup> However, at the beginning of the 2000s, one French public museum positioned itself in sharp contrast to the vast majority. The management team of the Musée d'histoire naturelle de Rouen (the Rouen Natural History Museum) expressed its willingness to hand back the Māori *toi moko* in its possession to New Zealand (see Boulay 2012; Minchin 2012). This institution was thus in breach of the general orientation of the French State on the question of cultural restitution, and a legal saga ensued. At first, the dispute was limited to the various organs of the French public service concerning the *toi moko* kept at this particular museum. Then it spread to include all Māori *toi moko* kept in French public museums and universities. The whole process resulted in a special new law, which concerns only *toi moko* and allows their return to New Zealand. We will return to this issue below.

Before examining why these indigenous heritage artefacts have been "released" by French national museums, and to what extent indigenous rights and cosmogony have been taken into account in doing so, let us examine the repatriation ceremony that was the climax of the whole process. On 23 January 2012, a 'ceremony for [France's] official handover of Māori heads to the New Zealand authorities' took place, according to the invitation card. On the stage of the Claude Lévi-Strauss Theatre at the Musée du Quai Branly, emotions ran high and reverence was the order of the day. In the audience, a few hundred guests – most of them French citizens – watched Māori women singing and sobbing, an Elder paying homage to their ancestors in a *kōrero*, and government representatives abiding by Māori customs – for example, by pressing noses to greet each other and when sealing their new relation at the end of the ceremony. In the presence of dignitaries and diverse representatives from both countries, a twofold ritual unfolded that, on the one hand, officialised the repatriation agreement between France and New Zealand and, on the other hand, celebrated the funerals of the ancestors whose remains were being returned (Gagné 2012). The two authors of this article both participated in the event as anthropologists and

independently wrote scientific articles, presenting analyses placing it in the political and legal context that made it possible (Gagné 2012; Roustan 2014). The two papers, while compatible, give quite different accounts of the same event: the first one provides an analysis of the rituals involved in this special ceremony, emphasising their symbolic and political dimensions in terms of decolonisation; the second one highlights a shared emotion among the audience but a ritual duality. While the French guests understood that they were attending an official ceremony formalising the handover of the *toi moko* by France to New Zealand, the Māori (and New-Zealand) guests took part in religious funerals. Clearly, to make the diplomatic encounter possible and the transfer of the *toi moko* from France to New Zealand official, French authorities had agreed to follow the guidance and protocol of the Karanga Aotearoa repatriation team. An agreement was reached, but it may have been based on a misunderstanding, which, in turn, may have been entirely conscious and accepted on both sides.

Since it opened in 2006, the Musée du Quai Branly has played a double game regarding religious matters. On the one hand, it has kept firmly anchored in the French tradition of *laïcité*, positioning itself as an important public cultural and scientific institution (with seminars, courses, conferences, and even performances) that looks at its collections as works of art and objects of research. On the other hand, it has also been sensitive to other ways of considering cultural diversity. Faithful to its slogan 'Là où dialoguent les cultures' - ('Where cultures dialogue') it has followed the international movement of opening ethnographic museums to 'source communities' and contemporary artists (Kasarherou *et al.* 2017). On some special occasions, the museum has welcomed ritual ceremonies, but never, with the exception of the 2012 *toi moko* repatriation ceremony, as public events. The theatrical choices it made in terms of the design of its permanent exhibition – dark atmosphere, mysterious lighting and a maze-like route – lead to an ambiguous perception of the institutional position regarding sacred objects and matters of belief. They reinforce the idea of powerful and mysterious objects, in order to evoke the devotion they arouse in their original cultural context. This suggested religious attitude is 'a simulacrum', since what is in fact at stake is putting a secular slant on artefacts that have been placed in the museum because of their artistic value (Taylor 2008, 681). In the study of visitor responses we conducted in 2009 (Debary and Roustan 2012), the potential power of exhibited objects was interpreted in various ways; from strong magical energy associated with

primitive peoples to the universal human need to believe in supernatural forces. Visitors tended to feel immersed in an atmosphere of sacredness, and were clearly touched by it, but then detached themselves from this kind of relationship to objects, placing them in the far past or the far distance.

Such ambivalence is also found in the public's response to the *E Tū Ake* exhibition held in the months prior to the ceremony, which, for the Musée du Quai Branly, involved adhering to the strict curatorial demands of Te Papa, including those concerning the ritual care of the objects in compliance with Māori protocol. The French staff members who we interviewed in Paris said that they were touched by the spiritual dimension of the exhibition, as well as by the strong social interactions involved in the ritual practices. Yet, at the same time, they expressed an uneasy perplexity (Gagné and Roustan 2014). This mixture of respect and distance when it comes to religious and spiritual matters appears again to be in many ways distinctively French.

Remarkably, neither religious, spiritual nor indigenous rights were specifically discussed during the dispute and debate<sup>26</sup> that led to the French Parliament passing a 'restitution law',<sup>27</sup> beyond the need for due respect for the culture and beliefs of a living people. Questions and discussions focused rather on the links between heritage, culture and cultural legacy on the one hand, and on the relation between a person and his or her (living or dead) body on the other (Roustan 2014). Two sets of laws were discussed: one defending the inalienability of public heritage and collections of national museums,<sup>28</sup> and the second concerning respect for the human body and bioethics.<sup>29</sup> When the *toi moko*, hitherto preserved in French institutions, were returned to Te Papa in 2012 under the auspices of the repatriation team, it was not purely in response to a demand from Te Papa on behalf of the New Zealand government but in accordance with a universal principle, which has to do with human dignity. New legislation was needed to permit the final journey of this part of the French museum collections. This created a tension between two other French laws: on the one hand, the Heritage Code<sup>30</sup> – which states that public collections are inalienable – and, on the other, the 'bioethics' law<sup>31</sup> – which establishes that the human body, living or dead, is not a heritage item.

This case is similar to another one that arose a few years earlier involving the handover to

South Africa of the remains of Saartje Baartman, a Khoikhoi women who died in France in 1815 and who has long been known as the 'Hottentot Venus' (Blanckaert 2013).<sup>32</sup> In both cases, the principles behind the adoption of *ad hoc* laws are based on an extension of the notion of human dignity to persons *post mortem*. What was at stake was the universality of the body's 'inviolability' and not some immaterial or even spiritual or religious dimensions of human existence, the cultural identity of a community, or their particular rights. Although the very notion of 'dignity' was arguably the main point of agreement between both countries paving the way for the repatriation, the New Zealanders gave it a different meaning from the French: 'Māori and Moriori [the indigenous people of the Chatham Islands] believe that through this ultimate return to their domestic homelands the dead and their living descendants will retrieve their dignity'.<sup>33</sup> This, in turn, requires returning the remains of the ancestors 'to their kith and kin in New Zealand,' which 'allows Māori and Moriori living today to reconcile and honour the past. For Māori and Moriori communities the connection between the past and present is at the forefront of their collective memory. Although the identity of the *Toi moko* is unknown, we honour them by bringing them home and offering them a resting place where their *wairua* [spirits] may rest'.<sup>34</sup> As may be seen, the emphasis is on materiality and individual dead bodies in the French case, and on immateriality and relationships between living beings, which form 'communities', and more specifically 'indigenous communities' or 'peoples' in the Māori/New Zealand case.<sup>35</sup>

### **Broader Considerations: A French Exception?**

In conclusion, we want to emphasise two key points as we reflect on what could be seen in many ways as a French exception concerning indigenous peoples and rights. The first is the weight of national legal traditions concerning contemporary practices and worldviews, including the domain of museums. In this respect, the political and legal foundation of the French Republic has had an important structuring effect. It stems from the French Revolution and the universal legacy of the Enlightenment which any notion of indigeneity is inconsistent with because it has to do with enhancing cultural diversity and linguistic plurality in a country that considers itself as one and indivisible. Indigeneity means recognising membership of a community as a basis for differentiated collective rights in a country based on Roman law, where individualism and egalitarianism are guarantors of fundamental rights and freedoms, which are the cornerstone of France's social contract. It

could also mean legitimising religious beliefs alongside scientific discourse in a country that thinks of itself as being governed by reason alone and affirms *laïcité* as a core principle, relegating overt forms of religious expression to the private sphere.

Our second and last point is that the French reluctance towards indigenous rights may be attributed in large part to historical and geopolitical factors. On the one hand, mainland France, like other countries in 'old Europe', has no living memory of its territorial constitution on European soil, unlike settler states such as Canada and New Zealand that grew out of colonies. Western European countries are rarely thought of by their inhabitants and in their official history as colonised territories. As for France's colonial and imperial history overseas, the current French public debate about a postcolonial France in the making has focused primarily on questions of immigration and integration, especially of immigrants from former French colonies such as Algeria, which became independent states in the 1960s. As a counterpart to discussions about France's colonisation of Africa and postcolonial immigration, the historical legacy of slavery in the so-called 'old colonies', that is the colonies of the 'first colonial Empire' that existed until 1814, is also part of the debate. However, the predicaments of the indigenous peoples whose territories are still part of France's national territory – that is the Mā'ohi of French Polynesia, the Kanak of New Caledonia, the Amerindians of Guyana, the Mahorais of Mayotte, and the Pacific Islanders of Wallis and Futuna – are vastly overlooked. As Trépiéd (2012) points out, 'There is an important blind spot in all these discussions of the French (post)colonial context: the distinct situation of formerly colonised native subjects who remained under French sovereignty even after the wave of independence that began in the 1960s'. Trépiéd adds that their small numbers in mainland France, compared to the children of African immigrants and African descendants of slaves originating from overseas territories (French Antilles, Guyane, Réunion, Mayotte), contribute directly to their social and cultural invisibility at the national level. This situation might also explain the extreme caution and reservations in dealing with issues and projects involving indigenous peoples around the world.

These factors may largely account for the French museums' position on indigenous peoples and for coping with challenges stemming from France's colonial legacy and decolonisation more generally. The adoption by the United Nations General Assembly of

the Declaration on the Rights of Indigenous Peoples in 2007 was accompanied by a strong international scholarly engagement with the concept of 'indigenous peoples', international broadcasting of the concept and awareness-raising campaigns concerning its implications in terms of rights. Yet it is still generally met with resistance, and even suspicion in France, as much within French academia (e.g. Amselle 2010) as in the public sector and among ordinary members of the public. Similarly, the words (and therefore concepts) 'postcolonial' and 'decolonisation' were not, generally speaking, the official watchwords behind the recent changes in the museum sector. As outlined above, in a context of an 'authority crisis', French museums have been completely reorganised in recent years, but this has happened according to principles which were framed around altogether different ones from those evoked in the UN declaration.

To date, then, 'Culture' appears to be the major concept behind the French State's logic and that has shaped institutional dynamics when it comes to dealing with indigenous peoples, ethnic minorities and religious communities – which, tellingly, are never named in these terms. The French Ministry of Culture, created at the beginning of the 1960s during the decolonisation period (referred to in French as 'Les indépendances'), has since hesitated between a distinctive approach to 'high Culture' that would essentially apply to the arts,<sup>36</sup> and a broader (more anthropological) vision of cultures, seen as the practices, customs and worldviews of particular peoples and societies (Dardy-Cretin 2012; Gruson 2017). The first, elitist approach has been largely dominant, though balanced by the need to 'democratise Culture', that is to say, to make it available for everyone, which is also a central idea of the French Republic. The special status of Culture in contemporary France has also largely been defined by the expression 'the French cultural exception', which intends, among other things, to prevent a view of Culture that is subject to the whims of the market.

Although, since the 1980s, the keyword 'culture' has been pluralised and official discourse has begun to include ideas such as 'intercultural relations' or 'cultural diversity', this paper has provided vivid illustrations of the persistence, on different levels within museums and through cultural policies, of certain crucial and central ideas of the French Republic since the French Revolution. In French museums, 'Others' tend to be presented either as 'former Others' now fully integrated into the nation, or as 'real Others' celebrated for their pure and

unchanged traditions and crafts from time immemorial, and sometimes even their primitiveness. Moreover, the assignment of cultural value is based on artistic and heritage criteria, and do not presuppose entitlement to any specific political rights. Cultural institutions, but also their public, strongly defend the principles of equality of all citizens and the universality of Culture.

The detour via New Zealand and Québec was a strategy to give indirect insights into the complex relations between Otherness, Sameness and identity in a puzzle involving different national perspectives on the relationships between the individual and the group, including indigenous groups, and on decolonisation processes in today's world. Our analysis of the French public museum scene and its recent reshaping has allowed us to grasp not only the peculiarities of the French official approach to dealing with Otherness, but also visitors' reactions to them.

The understanding that is prevalent in France – just like the alternative understanding that is widespread in countries of the former British Empire – is now being put to the test. In a postcolonial moment in the making, museum institutions are negotiating their own place in a world of transnational heritage. This involves processes of cultural recognition and legitimation, and transformation of power relationships. Their roles as guardians and interpreters of a diversity of material legacies require a constant negotiation about writing history that may lead not only to conflicts of interpretation about cultural items but also to political competition, especially about ethical values, which calls to mind the crucial political dimensions of these institutions.

## Notes

<sup>1</sup> <https://www.tepapa.govt.nz/about/te-papa-press/taonga-maori/e-tu-ake-maori-standing-strong>, accessed

<sup>2</sup> The exhibition was also mounted at the Museo de las Culturas in Mexico City in 2012 (Davidson 2015) but this venue was beyond the scope of our research.

<sup>3</sup> A repatriation ceremony also marked the hosting of the exhibition in Québec on 21 November 2012 (Gagné 2013b).

<sup>4</sup> Of course, certain French anthropologists are also interested in the UN approach to indigeneity and indigenous peoples, for example Irène Bellier, Barbara Glowczewski, Françoise Morin, and Marie Salaün, to name but a few.

<sup>5</sup> On the *indigénat*, see Blévis (2014), Mann (2009), Merle (2002, 2004), Saada (2002). The distinction between 'subjects' and 'citizens' in the colonies infringed on the foundational principles of the French Republic – notably the principles of indivisibility and equality (see below) –, by the severing of citizenship from nationality: 'natives were subjects of the French state and therefore "French nationals," yet they were deprived of the rights of citizens' (Saada 2012, 97). On the abolition of this distinction as the result of parliamentary debates led by newly elected African parliamentarians after World War II, see Cooper (2014).

<sup>6</sup> See Trépied (2013, 9) in the case of the Kanak in New Caledonia. Despite the abolition of the *indigénat*, the process of racialisation has persisted. After 1946 and the granting of citizenship to colonial subjects, it was possible for individuals to retain their personal status, that is to be subject to their specific customs in civil law matters. This possibility, seen at first as opening a transitional period, still endures today in Wallis and Futuna, New Caledonia and Mayotte (Merle 2010).

<sup>7</sup> In the mid-2000s, a positive reappropriation of this social stigma can be found in the social movement 'Les Indigènes de la République', one of whose aims is to put racial issues on the French political agenda.

<sup>8</sup> Its ethnological collections were moved before it closed for renovation in 2009 and used as a basis for the new Musée du Quai Branly. It reopened in 2015 with a renewed mission focused on prehistory, human evolution, and the uniqueness of the human species in its biological and cultural diversity (Blanckaert 2013). The collections of the Musée du Quai Branly were also made up of those from the Musée national des Arts d'Afrique et d'Océanie (MAAO, National museum of African and Oceanic Arts), itself an offspring of the Musée des colonies (Museum of the Colonies) built in 1931 (Monjaret and Roustan 2017). The MAAO closed in 2003 and left room for the new Musée national de l'histoire de l'immigration (National museum of the history of immigration, opened in 2007) in the Palais de la Porte Dorée (Aldrich 2004; Gruson 2017).

<sup>9</sup> The use of the terms '*Peuples premiers*' (First Peoples) or '*Arts premiers*' (Primary/First Arts) is an alternative to terms like '*autochtones*' or '*indigènes*' and shifts the attention from the ex-colonial Other. It also avoids the positioning of the museum in the tracks of 'primitive arts' that can lead to accusations of primitivism.

<sup>10</sup> The Charter of *Laïcité*, signed by the French Prime Minister on 13 April 2007, indicates how employees of the State and those they serve are supposed to act regarding religious matters. It reaffirms equality of all citizens in the eyes of public institutions, respect for freedom of conscience and religion, but also limitations on the right to express it publicly, in schools, museums, hospitals, etc. ([http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2014/09/circulaire\\_du\\_13\\_avril\\_2007\\_-\\_charte\\_de\\_la\\_laicite\\_dans\\_les\\_services\\_publics.pdf](http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2014/09/circulaire_du_13_avril_2007_-_charte_de_la_laicite_dans_les_services_publics.pdf), accessed 12 February 2019).

<sup>11</sup> The increasing diversity of New Zealand has raised new challenges for biculturalism in recent years. Pacific islanders and Asians, for example, are campaigning for a different 'status' to that of Pākehā (New Zealanders of European descent).

<sup>12</sup> <https://www.tepapa.govt.nz/about/touring-exhibitions/past-touring-exhibitions/2008-2012-past-touring-exhibitions#E%20Tu%20Ake>, accessed 12 February 2019.

<sup>13</sup> In the sense of a configuration of conceptions of 'physicalities' and 'interiorities' of things, which structures the whole relationship to nature and the world (Descola 2013).

<sup>14</sup> This is one of the museum missions as they appear in its triennial plan 2015-2018: [https://www.mcq.org/documents/10706/28705/plan\\_triennal\\_2015-2018.pdf](https://www.mcq.org/documents/10706/28705/plan_triennal_2015-2018.pdf), accessed 12 February 2019).

<sup>15</sup> See <https://www.mcq.org/fr/exposition?id=26532>, accessed 12 February 2019. The Musée du Quai Branly



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did the same, as required by Te Papa. In English, the exhibition was promoted using the catalogue's original title: "E tū ake: Māori Standing Strong" (Smith 2011).

<sup>16</sup> For a detailed analysis of the debates that took place between 1945 and 1960, see Cooper (2014).

<sup>17</sup> In the preamble of the Constitution, second subparagraph, the choice was given to the overseas territories to join or not join the new institutions according to the principle of self-determination. The Constitution also provided for a right of option on their status within the Republic. As a result, in 1960, twelve territories became independent sovereign states and others followed afterwards.

<sup>18</sup> The Constitutional Council is France's highest constitutional authority.

<sup>19</sup> A constitutional amendment of 23 July 2008 introduced a specific provision according to which regional languages constitute France's national heritage (art. 75-1 C). This addition does not question the unity of language of the Republic since Article 2 C of the Constitution stipulates that 'the language of the Republic is French'.

<sup>20</sup> Constitutional Act of 28 March 2003.

<sup>21</sup> One exception to this requirement was created by the Organic Law no 99-209 of 19 March 1999 laying down the status of New Caledonia. This law created a new category of legal acts (in relation to twelve local jurisdictions), which are only subject to an opinion by the Constitutional council. New Caledonia is thus endowed with its own legislative power. This situation contravenes the principle of one set of norms, but Verpeaux (2014: 14) emphasizes the distinctive characteristics of this case: the constitutional status of New Caledonia is temporary, since it is intended to pave the way to full sovereignty if the electorate so decides by referendum. The results of the 4 November 2018 referendum showed that 56.67% of the population voted to remain part of France (against 43.33% who voted to leave). Two additional referendums on independence can be held before 2022.

<sup>22</sup> These populations are limited to those covered by articles 72-3 and 74, that is: New Caledonia, Saint-Pierre-et-Miquelon, Wallis and Futuna, French Polynesia, Saint-Barthélemy, and Saint-Martin.

<sup>23</sup> The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, also known as the Nagoya Protocol on Access and Benefit Sharing (ABS) is a supplementary agreement within the Convention on Biological Diversity.

<sup>24</sup> In the "Gallipoli: The Scale of our War" exhibition.

<sup>25</sup> Law n° 2002-5 of 4 January 2002 concerning French museums.

<sup>26</sup> For a summary of the Senate debate, see <http://www.senat.fr/seances/s200906/s20090629/s20090629004.html>, accessed 12 February 2019. For a summary of the National Assembly debate, see <http://2007-2012.nosdeputes.fr/seance/3486>, accessed 12 February 2019.

<sup>27</sup> Law n° 2010-501 of 18 May 2010 authorising France's restitution of Maori heads to New Zealand and concerning the management of collections.

<sup>28</sup> Law n° 2002-5 of 4 January 2002 concerning French museums.

<sup>29</sup> Law n°94-653 of 29 July 1994, concerning respect for the human body, otherwise known as bioethics. This Act incorporates article 16-1 of the Civil Code: 'Everyone has the right to respect for his or her body. The human body is inviolable. The human body, its elements and products cannot be subject to a right of ownership'.

<sup>30</sup> Specifically, Law no. 2002-5 of 4 January 2002, concerning French museums.

<sup>31</sup> Law no. 94-653 of 29 July 1994, concerning respect for the human body; this law was amended in 2004.

<sup>32</sup> Law no. 2002-323 of 6 March 1994.

<sup>33</sup> <https://www.tepapa.govt.nz/about/repatriation/karanga-aotearoa-repatriation-programme>, accessed 12 February 2019.

<sup>34</sup> <https://www.tepapa.govt.nz/about/repatriation/repatriation-maori-and-moriori-remains>, accessed 12 February 2019.

<sup>35</sup> In 2014, in a more strictly French (post)colonial context, an administrative decision was sufficient to return

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the skull of the Kanak chief Atai and that of “the sorcerer” Andja to New Caledonia (Fontanieu 2013; Patin 2013). In this particular case, the reasoning was more clearly political, since arguments referred to the 1988 Matignon agreements, which prepared for the gradual self-determination of the territory. They were accompanied by a promise to return the human remains of the man who had become a figure of colonial resistance and, by extension, of the struggle for independence.

<sup>36</sup> We distinguish this meaning of the word with a capital C. In this sense, the arts are seen as a universal idea rather than a cultural category within western hierarchies.

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